

### REMARKS

Claims 20 and 22 to 25 are now pending in this application. Applicants have canceled claims 1 to 5, 7 to 11, 13 to 17, 19, 21 and 26 to 37 without prejudice and have amended claims 20 and 22 to be independent. These amendments add no new matter to the application.

All amendments set forth above would raise no new issues that would require further consideration and/or search. Applicants submit that these amendments would place the claims into condition for allowance, or at least present the rejected claims in better form for consideration on appeal, and should therefore be entered after the final rejection under 37 C.F.R. § 1.116 (a).

### Allowable Claims

Claims 20 and 22 to 25 were objected to by the Examiner. Applicants have amended claims 20 and 22 to be independent. Applicants respectfully point out that claim 23 is currently an independent claim and should require no further amendment. Accordingly, applicants respectfully request that the objection to the claims be withdrawn and that claims 20 and 22 to 25 be allowed.

### 35 U.S.C. §102

Claims 26, 28 and 29 were rejected as allegedly anticipated by Birnbaum et al. (J. Virol. 64(7):3319-3330 (1990)). For reasons unrelated to this rejection, applicants have canceled claims 26, 28 and 29 without prejudice, thereby obviating this rejection. Accordingly, applicants request that this rejection be reconsidered and withdrawn.

Claims 26 to 31 were rejected as allegedly anticipated by Beams et al. (Virology 194:597-607 (1993)). For reasons unrelated to this rejection, applicants have canceled claims 26 to 31 without prejudice, thereby obviating this rejection. Accordingly, applicants request that this rejection be reconsidered and withdrawn.

Applicant : Jack R. Wands et al.  
Serial No. : 09/812,862  
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Wands

35 U.S.C. §103

Claims 1, 2, 7, 8, 13, 14 and 19 were rejected as allegedly obvious over Beams in view of Xian-Jun et al. (Hepatology 1(5):781-787 (1989)). For reasons unrelated to this rejection, applicants have canceled claims 1, 2, 7, 8, 13, 14 and 19 without prejudice, thereby obviating this rejection. Accordingly, applicants request that this rejection be reconsidered and withdrawn.

Claims 32 to 37 were rejected as allegedly obvious over Souw et al. (WO 94/12617) in view of Beams. For reasons unrelated to this rejection, applicants have canceled claims 32 to 37 without prejudice, thereby obviating this rejection. Accordingly, applicants request that this rejection be reconsidered and withdrawn.

Claims 3 to 5, 9 to 11, 15 to 17 and 21 were rejected as allegedly obvious over Souw in view of Beams and Xian-Jun. For reasons unrelated to this rejection, applicants have canceled claims 3 to 5, 9 to 11, 15 to 17 and 21 without prejudice, thereby obviating this rejection. Accordingly, applicants request that this rejection be reconsidered and withdrawn.

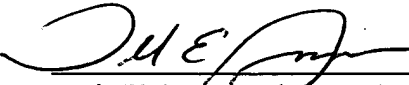
CONCLUSION

Applicants submit that all pending claims are now in condition for allowance, which action is requested. Enclosed is a check for \$55 for the Petition for Extension of Time fee for a one month extension. Please apply any other charges or any credits to Deposit Account No. 06-1050, referencing Attorney Docket Number 00786-282003.

Respectfully submitted,

Date: \_\_\_\_\_

10/15/04

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